



FAO-5887-2024(O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of decision:-17.12.2024

Gurmeet Singh and another

...Appellants

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR.JUSTICE SUVIR SEHGAL

Present: Mr. Ramandeep Singh Brar, Advocate
for the appellants.

SUVIR SEHGAL, J.(ORAL)

CM-22446-CII-2024

1. Exemption, as prayed for, is granted.
2. Application is allowed.

MAIN CASES

3. This appeal has been filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act') assailing order dated 07.09.2024, passed by the learned Additional District Judge, Bathinda, whereby application for condonation of delay and consequently, objections under Section 34 of the Arbitration Act have been dismissed.
4. Factual matrix leading to the filing of the appeal is that the appellants are owners of land in village Dhapali, Tehsil Phul, District

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Bathinda, which has been acquired by the respondents for widening of National Highway – 754 AD vide notification dated 22.12.2020 issued under Section 3 D of the National Highways Act, 1956. The competent authority announced award dated 13.07.2021 assessing the compensation for the acquired land. Dissatisfied with the assessment, appellants filed reference for enhancement of compensation, which was culminated in passing of award dated 13.06.2023, Annexure A1, by the Commissioner, Faridkot Division – cum - Arbitrator. Appellants preferred objections under Section 34 of the Arbitration Act, alongwith application for condonation of delay, which have been rejected by order impugned herein.

5. While inviting attention of the Court to Section 34(3) of the Arbitration Act, counsel for the appellant submits that the learned Additional District Judge has failed to exercise the power vested in it for condonation of delay. He asserts that the objections preferred by the appellants were delayed as the appellants, who are villagers, were not aware of the remedy available to them.

6. I have heard counsel for the appellants and considered his submissions.

7. Section 34 (3) of the Arbitration Act provides a period of limitation of three months for preferring objections from the date of delivery of the signed copy of the Award to the appellant, which can be further extended by another period of 30 days, if the party challenging the Award is able to show sufficient cause. This is the settled legal position.



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In *Union of India Versus M/s Popular Construction Company (2001) 8 SCC 470; M/s Consolidated Engineering Enterprises Versus Principal Secretary, Irrigation Department and others, (2008) 7 SCC 169; M/s Simplex Infrastructure Limited Versus Union of India (2019) 2 SCC 455, and Mahindra and Mahindra Financial Services Limited Versus Maheshbhai Tinabhai Rathod and others, (2022) 4 SCC 162*, Supreme Court has held that the limitation for filing objections is prescribed under Section 34 of the Arbitration Act and the extent to which it can be condoned is also circumscribed. It has been clarified that Section 5 of the Limitation Act, 1963, is not applicable to condone the delay beyond the period prescribed under Section 34 (3) of the Arbitration Act. The result is that application under Section 5 of the Limitation Act, 1963, is ousted by proviso to Sub-Section 3 of Section 34 of the Arbitration Act.

8. Adverting to the factual position in the instant appeal, it is the admitted position that signed copy of the award dated 13.06.2023, Annexure A1, was delivered to the appellants on 19.06.2023. Objections under Section 34 of the Arbitration Act have been instituted by them on 20.11.2023, which were clearly beyond the period of 120 days of the delivery of the signed copy of the award. The ground that the appellants, are rustic and were not aware of the limitation period, will not cut any ice. Although an application for condonation of delay has been moved, but in view of the settled legal position, noticed above, application is not maintainable. Therefore, this Court does not see any reason to interfere with the order passed by the learned Additional District Judge, Bathinda,

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which is affirmed.

9. Consequently, appeal is bereft of merit and is dismissed.
10. Pending application, if any, shall also stand disposed off.

17.12.2024
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(SUVIR SEHGAL)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No